



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

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December 12, 2000

Wayne & Julie Petersen  
650 East 6600 South  
Hyrum, Utah 84319

Dear Mr. & Mrs. Petersen

This letter is in response to your affidavit dated November 29, 2000 which was received in our office on December 1, 2000. I am sorry to hear of your troubles with your neighbors, but I am glad to learn that you now have a safe source of domestic water for your home and your family.

Your affidavit addresses and requests action on several issues over which I have no jurisdiction under state law. The issues related to environmental protection of Nielsen Spring should probably be addressed to the Division of Water Quality in the Department of Environmental Quality. Their phone number is (801)538-6146. The issues related to compliance with the court stipulations are best referred back to the court that issued the stipulation. Our office has no authority to enforce court stipulations of this nature. Also, issues related to trespass or rights-of-way are also beyond the scope of my authority.

It appears the only assistance this office might provide to help resolve some of these issues would be to include Nielsen Spring in the Little Bear River Distribution System and have the commissioner regulate how much water is used from it by each water right owner. However, this would require the installation and maintenance of water meters by all water users. Also, all water users on the spring would be assessed each year to pay the costs of regulation (the commissioner's salary and expenses).

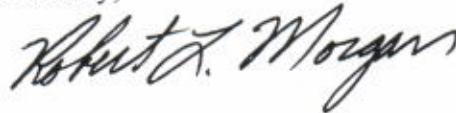
The Memorandum Decision issued on change application 25-7717 (a23290), dated April 20, 2000, described the current uses associated with each right on the spring and approved the request to construct a well subject to several conditions. The conditions included several options for using the well in conjunction with water from the spring.

Before regulation of the spring could be established, we need to know which of the options you wish to act on. The request must be made in writing. If the option you request requires regulation by a commissioner, we will start the process of including Nielsen Spring in the Little Bear River Distribution System. Since the other water right owners on the spring are not bound by the conditions of the Memorandum Decision, we would need to send a notice to each one stating that regulation of the spring is being considered and requesting comments. After consideration of any comments, regulation of the spring by the commissioner may be implemented.

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I hope this information will be helpful to you in your efforts to resolve your concerns with Nielsen Spring. If you have any questions concerning this letter please contact Lee Sim, Assistant State Engineer for Distribution, at (801)538-7380 or Bob Fotheringham, Regional Engineer, at (435)752-8755.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert L. Morgan".

Robert L. Morgan, P.E.  
State Engineer

cc: Lee Sim  
Bob Fotheringham